

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
DONALD F. FREI
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.
KRISTIL L. DAVIDSON

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917
TELEPHONE: 513-241-2324
FACSIMILE: 513-241-6234
WEBSITE: www.whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

July 28, 2005

RECEIVED
CENTRAL FAX CENTER

JUL 28 2005

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARD

KATHRYN E. SMITH
ANDREW BLATT, Ph.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, Ph.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
STEVEN W. BENINTENDI, Ph.D.
RANDALL S. JACKSON, JR.

OF COUNSEL
JOHN D. POFFENBERGER
DAVID J. JOSEPHIC
THOMAS W. FLYNN
J. DWIGHT POFFENBERGER, JR.
BRADLEY D. BECK

FACSIMILE COVER SHEET

To: Examiner Benjamin R. Bruckart
Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

From: Scott A. Stinebruner
Reg. No. 38,323
Re: U.S. Patent Application
Serial No. 09/694,586
Filed: October 23, 2000
Applicant: Timothy Roy Block et al.
Art Unit: 2155
Confirmation No.: 8940
Our Ref: IBM/167

Fax: 571-273-2885

Enclosures:

Fax Cover Sheet containing Certificate of
Facsimile Transmission (1 page)
Comments on Statement of Reasons for
Allowance containing Certificate of Facsimile
Transmission (2 pages)

Pages: 3 (including cover sheet)

**MESSAGE/COMMENTS
OFFICIAL****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (3 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Benjamin R. Bruckart, Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 571-273-2885 on July 28, 2005.

Judith L. Volk
Judith L. Volk

July 28, 2005
Dtc

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you.
If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. **OUR FAX NUMBER IS (513) 241-6234.**

PATENT

IBM/167
Confirmation No. 8940**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (3 total pages, including cover sheet) are being transmitted via facsimile transmission to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 571-273-2885 on July 28, 2005.

Judith L. Volk
Judith L. Volk

July 28, 2005
Date

RECEIVED
CENTRAL FAX CENTER
JUL 28 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Timothy Roy Block et al. Art Unit: 2155
Serial No.: 09/694,586 Examiner: Benjamin R. Bruckart
Filed: October 23, 2000 Atty. Docket No.: IBM/167
For: DYNAMIC MODIFICATION OF CLUSTER COMMUNICATION
PARAMETERS IN CLUSTERED COMPUTER SYSTEM

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in reply to the Notice of Allowance dated July 22, 2005.

Moreover, this paper is submitted to provide a substance of the telephone interview between the undersigned and the Examiner on July 12, 2005.

In particular, the Examiner called Applicants' representative in response to the appeal brief and to change the rejection of claim 3 to an objection. Furthermore, the Examiner asked Applicants to consider amending independent claims with material from claim 3 to place the case in condition for allowance. Applicants proposed amendments consistent with the Examiner's suggestions, and further requested that the Examiner enter an amendment to the specification to insert a serial number for the related application.

As to the Examiner's Statement of Allowance, Applicants wish to note that independent claims 19, 26 and 31 recite different subject matter from that referred to by the Examiner in the Statement (which generally tracks claim 1), and as such, the Examiner's Statement is not applicable to these claims.


Page 1 of 2
Serial No. 09/694,586
Comments on Statement of Reasons for Allowance
IBM Docket ROC920000192US1
WHA:IBM/88US
K:\IBM\167\Comments on Statement of Reasons for Allowance.wpd

If the Office has any questions regarding the foregoing, please contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

28 JULY 2005

Date


Scott A. Stinebruner
Reg. No. 38,323
WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513)241-2324